
Judiciary Committee

HB 2705

Title: An act relating to the right to control the disposition of human remains.

Brief Description: Concerning the right to control the disposition of human remains.

Sponsors: Representatives Cody, Kagi, White, Kenney and Moeller.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Provides that a person may execute a written document designating a representative to control the disposition of his or her remains.• Makes changes to the list of persons vested with the right to control the disposition of a decedent's remains when the decedent has not made a pre-arrangement or otherwise provided directions regarding disposition.

Hearing Date: 1/21/10

Staff: Edie Adams (786-7180).

Background:

A person has the right to control the disposition of his or her own remains. This can be accomplished by executing a written document signed by the decedent in the presence of a witness that expresses the decedent's wishes regarding the place or method of disposition of his or her remains. In addition, a person may control the disposition of his or her remains by making a pre-arrangement with a licensed funeral establishment or cemetery authority. Pre-arrangements that are prepaid or that are filed with a licensed funeral establishment or cemetery authority are not subject to cancellation or substantial revision by survivors. A funeral establishment or cemetery authority is not liable for acting upon a pre-arrangement in the absence of actual knowledge of contrary legal authorization by the decedent.

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If the decedent has not made a pre-arrangement or given directions for the disposition of his or her remains, then the right to control the disposition of the remains vests in the following people in the order named:

- the surviving spouse or state-registered domestic partner;
- the surviving adult children;
- the surviving parents;
- the surviving siblings; and
- a person acting as a representative of the decedent under the signed authorization of the decedent.

The responsibility for the reasonable costs of the preparation, care, and disposition of remains devolves jointly and severally upon all kin of the same degree of kindred in the order listed, and on the decedent's estate.

If a funeral establishment or cemetery authority is unable to locate the next of kin or the legal representative of the decedent's estate after a good-faith effort, the most responsible person available may authorize the disposition of the decedent's remains and the cemetery authority or funeral establishment may not be held criminally or civilly liable for burying or cremating the remains.

Summary of Bill:

A person may designate a representative to control the disposition of his or her remains in a written document signed in the presence of a witness. A representative designated by the decedent is moved to the top of the list of persons who are vested with the right of disposition if the decedent has not made a pre-arrangement or otherwise provided directions.

The list of persons who have the right to control the disposition of remains is amended to provide that, for children, the right vests in the majority of the surviving adult children. In addition the list is amended to include the majority of the surviving grandchildren, the majority of the surviving nieces and nephews, and the decedent's guardian as the last three classes in that order of priority.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.